



**BOXBOROUGH PLANNING BOARD**  
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James Faulkner, Chairman   Eduardo Pontoriero, Clerk   Owen Neville   John Markiewicz   Nancy Fillmore

**Meeting Minutes**  
**July 29, 2013**  
**7:30 p.m.**

Members present:

James Faulkner, Chair  
Eduardo Pontoriero, Clerk  
Nancy Fillmore, Member  
Owen Neville, Member  
Elizabeth Hughes, Town Planner

The Chair opened the meeting at 7:36 pm.

**94-100 Chester Road ANR Plan**

The Town Planner gave a brief overview of the plan. Mr. Neville moved to endorse the ANR plan because Lot 52 had sufficient frontage and area on a public way and the Remaining Land was labeled "Not A Building Lot", and authorize the Chair, Clerk or Town Planner to sign the plan. The motion was seconded by Ms. Fillmore with all voting in favor.

**Common Driveway Rules & Regulations Amendment Discussion**

The Town Planner discussed with the Board an amendment to the Common Driveway Special Permit provisions in the Zoning Bylaw to remove the construction standards, noting that construction standards were more appropriately placed in the Board's Rules & Regulations. This would allow the Board to make amendments to the construction standards with a public hearing and not a two thirds vote of Town Meeting. The Board agreed.

Ms. Hughes then went through the proposed revisions to the Common Driveway Rules & Regulations. Mr. Faulkner questioned the Town Planner's recommendation under *Lapse of Special Permit* to delete the requirement for covenants and easements to be recorded within 60 days. Ms. Hughes explained that a contractor may purchase a property to develop into three building lots and while they are all under one ownership there is no need to record the covenant and easement for the common driveway. Additionally, a purchaser of one of the lots may wish to include language in the documents as part of their purchase and sale. Mr. Faulkner felt it was important that all of the documents be recorded within the 60 days so that there was nothing left hanging when the lots were sold. Mr. Pontoriero agreed. Ms. Hughes stated she would look into the Special Permit provision of the Zoning Act which might prohibit requiring the 60 days time limit given the fact that a Special Permit is good for two years.

**Build-out Analysis Contract Discussion**

The Town Planner informed the Board that a time extension had been signed for the contract and she had met with the planners from MAPC to discuss moving forward. It was agreed that the stakeholder's meeting would be held in September; possibly at the September 16<sup>th</sup> Selectmen's

meeting since the Planning Board was scheduled to meet that night already and the meetings were televised.

### **Wireless Overlay District Bylaw Amendment Discussion**

The Town Planner briefly reviewed with the Board Town Counsel's response to the Building Inspector, which after basically going in circles stated that if an application for collocation came in and was not a substantial alteration as defined under Section 6409 of the Act, then a building permit had to be issued. Ms. Hughes did not think it was then worth the Board's time and effort to try and amend the Wireless Overlay District Bylaw. The Board agreed.

Ms. Hughes did inform the Board that as part of her conversation with the Building Inspector, they did discuss the issue of multiple carriers coming in under Section 6409 for the same tower and trying to increase the height. Section 6409 allows an increase of 10% of the height of the tower or 20 feet, whichever was greater. The Town Planner and the Building Inspector agreed that this interpretation would be from the original height of the tower, not the height of the tower after a collocation. Mr. Faulkner clarified that this would mean that the first carrier to come in under this Section would not be considered a substantial alteration, but anyone after would be. Ms. Hughes agreed.

With no further business, Mr. Neville moved to adjourn the meeting at 8:27 pm. The motion was seconded by Ms. Fillmore with all voting in favor.

On Behalf of the Boxborough Planning Board

A handwritten signature in black ink, appearing to read 'Eduardo Pontoriero', written over a horizontal line.

Eduardo Pontoriero, Clerk